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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,353	03/26/2004	David Vanker	2665/7	4509
7590	12/28/2006		EXAMINER	
Jeffrey A. Pine BANIAK PINE & GANNON Suite 1200 150 N. Wacker Drive Chicago, IL 60606-1606			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/28/2006	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,353	VANKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronald Laneau	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 October 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

***Response to Amendment***

1. The amendment filed on 10/10/06 has been entered. Claims 1-20 remain pending in this application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varga et al (US 6,181,981 B1).

As per claims 1-20, Varga discloses a method for transferring information between multiple buyers and vendors that includes receiving information corresponding to one or more products from one or more of the vendors (fig. 1), the information characterizing the one or more products as being of a static nature, storing the information, receiving a request for a portion of the stored information (fig. 1, 301), retrieving the portion of the stored information corresponding to the request; using the retrieved portion of the stored information to maintain a dynamic record of product availability parameters (fig. 1, 301). Varga further discloses selective access to the dynamic record of product parameters of the one or more products and triggering a specific action related to the dynamic record of product parameters (col. 2, lines 41-54), access is provided between the subscriber (100) and the sources (40). With regard to claims 4-9, the first database includes product information and access to information/databases is only granted to

certain entities (fig. 1, 301), a system wherein the static information includes product information (fig. 1, 40), wherein the access to the stored information is granted to one or more of the buyers and vendors (fig. 1, user), providing buyers information related to one or more of inventory, product mix, and stocking levels based on a continuous record or product usage and disposition, providing buyers with a reordering tool, and providing vendors information related to one or more of product sales, product mix, manufacturing cycles, selling methods and supply (col. 2, lines 41-46), a system including the setting of one or more predetermined thresholds for each of the buyers (threshold is determined when products reach a certain level for re-supplying).

Varga does not disclose pre-authorized permissions but it would have been obvious to one of ordinary skill in the art at the time the invention was made to include pre-authorized permissions into the system of Varga because it would prevent vendors to access information that they should not have access to and also improve the efficiency of the inventory by monitoring the product parameters to determine when to restocking some of the products.

#### *Response to Arguments*

4. Applicant's arguments filed on 10/10/06 have been fully considered but they are not persuasive.

Applicant argues that Varga does show "receiving information from one or more of the vendors, the information characterizing the one or more products and being of a static nature." In response to Applicant's arguments, the system of Varga is monitoring the activity of a vending machine by taking into account products i.e. products that are selling so they can replenish the inventory and also products that have a static nature. They are all part of the

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inventory management for the vending machine. Furthermore, Applicant argues that "in fig. 1, element 10 shows no receipt of a request for a portion of the stored information and element 60 shows no retrieving of the information to maintain a dynamic record." In response to Applicant's arguments, the data storage (301) see in figure 1 is where the information can be requested and retrieved upon needed. Applicant further argues that "the action ignores that the claims specify that access is selectively given to the vendors." In response to Applicant's arguments, the vending system of Varga includes means for detecting certain conditions such as out-of-stock, unauthorized entry, etc. Applicant further argues that it is not clear how a vending machine and vending machine inventory is even remotely analogous to this. In response to Applicant, the claimed invention is so broad that it can read on almost anything. The remedy to this is to narrow does the claims to blood product vendors instead of just product vendors. Claims 1-20 are finally rejected.

### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Ronald Laneau*

Ronald Laneau  
Primary Examiner  
Art Unit 3714

12/13/06